

DATE: April 1, 2026

**DEVELOPER'S STATEMENT
Barrett Variance
N-DRC2024-00050 / ED25-0253**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

Mitigation Summary

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that would reduce potentially significant impacts to less than significant levels. These measures would become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality

AQ-1 Fugitive Dust Construction Control Measures – Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-2 ROG, NO_x, DPM Emissions. The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. Implement Mitigation Measure AQ-1, as identified above.
- b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- c. Maintain all construction equipment in proper tune according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.
- f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
- g. Electrify equipment when possible.
- h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
- i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Biological Resources

BIO-1 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for biological resources.

BIO-2 Environmental Awareness Training – Prior to ground disturbance, (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-3 Prior to issuance of grading and/or construction permits, all San Joaquin Kit Fox protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-4 Preconstruction survey for American Badger (*Taxidea taxus*) and San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) – Within two weeks prior to the start of ground disturbing activities, a qualified biologist shall survey the project impact area plus a 250-foot buffer within the limits of the parcel for potential American badger/SJKF dens. USFWS (2011) *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance* shall be implemented to establish no-disturbance exclusion zones around all potential and known dens identified during the protocol survey. Fenced exclusion zones shall be established by the biologist around all known and potential SJKF dens, as described below.

Exclusion zone fencing shall consist of survey laths or wooden stakes prominently flagged with survey ribbon, silt fencing or orange construction fence. The status of the burrow/den shall be determined using the methods in Mitigation Measure BIO-5. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den entrances:

- Potential SJKF den (burrow with appropriate dimensions): 50 feet;
- Atypical SJKF den (manmade structure occupied by SJKF): 50 feet;
- Known or active SJKF den: 100 feet
- Natal/pupping SJKF den: exclusion zone to be determined through consultation with USFWS, but at least 200 feet minimum
- Individual badger den: 50 feet
- Maternal badger den: 200 feet

Any potential dens found shall be identified with flagging or stakes, and the no-work

buffer shall be flagged and/or fenced. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If it is not possible to avoid all known and potential dens with the above-stated exclusion zones, they must be monitored to determine whether they are active, and inactive dens destroyed as described below in Mitigation Measure BIO-5.

BIO-5 Standard Avoidance Measures for San Joaquin Kit Fox. To avoid impacts to SJKF, the USFWS (2011) *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance* and County (2025a) *Standard Kit Fox CEQA Mitigation Measures* shall be implemented. These measures will also avoid impacts to American badgers as follows:

- A qualified biologist shall prepare a Worker Environmental Awareness Program that will be presented to all project personnel. This program shall detail measures to avoid and minimize impacts on biological resources. It should include a description of special-status species potentially occurring on the project site and their natural history; the status of the species and their protection under environmental laws and regulations; and, the penalties for take. Recommendations shall be given as to actions to avoid take should a special-status species be found on the project site.
- A qualified biologist shall be present onsite to monitor all initial vegetation removal, excavation or any other ground disturbance. The biologist shall stand at a safe distance and use binoculars to monitor earth-moving activities for animals that may be uncovered during the work. The biologist shall have the authority to stop the work should any special-status wildlife species be found, and work can commence only after these individuals have left the work area.
- If any SJKF are found onsite, work shall be halted until the USFWS and CDFW are contacted. No work shall be done until appropriate approvals are received, and while monitored by the qualified biologist. In the case of accidental mortality of SJKF on the project site, the appropriate USFWS field office and CDFW shall be notified in writing within three working days.
- Vehicles shall observe a speed limit of 15 miles per hour on the project site, and be restricted to established access routes and roadways.
- If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps

constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

- All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- No deliberate feeding of wildlife shall be allowed.
- Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In

addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

- If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.
- A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-6 Standard Measures for the Protection of San Joaquin Kit Fox Dens/Burrows. A qualified biologist shall install wildlife trail cameras, tracking media, or use a fiber optic scope to determine whether the potential dens/burrows onsite are actively being used by a badger. Potential dens/burrows shall be monitored daily for at least three days to determine whether they are currently occupied. If the work takes place in the late spring or summer, additional measures shall be employed to determine whether dens are occupied by young. No dens/burrows with young shall be disturbed, and no work shall be conducted within 200 feet of maternal dens until the young have left. Note that SJKF natal dens that have been vacated cannot be destroyed without a take authorization/permit (USFWS 2011). Dens/burrows occupied by a single adult badger can be avoided with a 50-foot buffer. If any active dens occupied by a single adult are found and cannot be avoided with the 50-foot buffer, CDFW or USFWS (for SJKF) shall be consulted to determine whether the animal(s) should be evicted from the burrow. All other possible avoidance and minimization measures shall be considered before the closure of burrows is implemented. Eviction procedures for badgers involve blocking the den incrementally by placing sticks and debris over the entrance for three to five days, to discourage the animal from using the den. Only after the animal has left the den, as determined by the qualified biologist implementing the wildlife camera and/or tracking medium methods, can the burrow be excavated and work proceed.

Destruction of a den/burrow is typically done by incrementally excavating the burrow until it is confirmed that no animals are occupying it. Excavation using hand tools is the recommended method, and the use of excavating equipment can be done with extreme caution and while being monitored by a qualified biologist. After the den/burrow is destroyed, the excavation is to be filled with dirt and compacted to make sure that burrowing animals cannot re-enter or use the burrow during construction. If an American badger or SJKF is discovered inside the den during the excavation activities, excavation should cease immediately and monitoring of the den re-initiated. Den/burrow destruction

may proceed once it is determined that the animal has left the area.

The qualified biologist shall conduct weekly site visits during site disturbance activities lasting more than 14 days for the purpose of monitoring compliance with the SJKF Standard Recommendations. The biologist shall document the site visits through weekly monitoring reports to be submitted to the County. The above measures shall be included on all land use, grading, and building plans for the construction of the residence and accessory structures.

BIO-7 Site Maintenance and General Operations - The following measures are required to minimize impacts **during active construction and ongoing operations**. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-8 San Joaquin Kit Fox Habitat Mitigation Measures - Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- a. Habitat Set Aside. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 2.24 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and

monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

Mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

- b. In Lieu Fee. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$5,600 based on \$2,500 per acre 1.12 acres impacted x 2:1 x \$2,500 per acre).

- c. Purchase Mitigation Credits. Purchase 2.0 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$5,600 (1.12 acres impacted x 2:1 x \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

It should be noted that the estimated area of SJKF habitat mitigation required (2.24 acres) is a conservative estimate based on the preliminary plans used for CEQA compliance. A final quantification of the area of kit fox habitat impacted by the project, and the corresponding mitigation requirements, will be made based on the construction plans approved by the County through the building permit process. If the final construction plans indicate that the project may impact more than 1.12 acres of SJKF habitat, the project may require additional environmental review before a building permit will be

issued. Such additional review may also require coordination with CDFW.

BIO-9 Preconstruction Survey for Roosting Bats - Within seven days prior to the start of

tree removal and/or demolition of the shed, a County-approved qualified biologist shall survey the trees that will be removed and the shed for evidence of roosting bats. Any potentially suitable roost sites shall be monitored by the qualified biologist during the evening to determine whether bats leave for foraging. The roost sites should be monitored from at least one hour before sunset, and viewed with the aid of binoculars. The qualified biologist shall determine whether a maternity roost is present by carefully observing individuals on the roost. If any young are present, construction shall be delayed until they have matured and can fly on their own. When it has been determined that no young are present, the biologist shall monitor the roost in the evening when the bats leave to forage and then install bat exclusion netting or similar material to prevent their return. The netting shall be inspected the following morning to ensure that no bats have become entangled in the netting and that none remain at the roost site. The netting shall remain in place until the trees and shed are removed. The qualified biologist shall monitor the removal of any vegetation in which bat exclusion netting has been placed. If any bats are found, work shall be halted until measures are taken to effectively relocate the bats or allow them to leave the site on their own volition.

BIO-10 Preconstruction Surveys for American Bumble Bees. A County-approved biologist with experience in the identification of bumble bees for the regional area shall conduct a preconstruction survey. The appropriate time to initiate surveys for bumble bees is after the first workers and/or males are produced and the population numbers are at their greatest, and when floral resources onsite are at peak bloom, which for most species is generally April to August. This is likely the period when construction activities would commence. The surveys shall be conducted at least one hour after sunrise and at least two hours before sunset (ideally between 9:00 AM and 1:00 PM) on warm (65 - 90°F) days with low wind (less than 8 mph) (CDFW 2023b). The techniques involve visual surveys and identification of bumble bees on vegetation. Potential nesting habitat within the project disturbance area shall be surveyed for active colonies. If active nests are found, they should be avoided during construction plus a minimum 50-foot buffer. The nest site shall be protected until the biologist determines that the nest is inactive. After the nest has been vacated, vegetation can be cleared and the project may proceed in that particular area.

BIO-11 Preconstruction Survey for Nesting Birds. If work activities are scheduled to start between February 1st and August 31st, a qualified biologist shall survey the project impact area plus a 250-foot buffer. The survey shall be conducted within seven days before the initiation of construction. During the survey, the qualified biologist shall search for birds exhibiting nesting behavior, attempt to locate their nests, and inspect all potential nest substrates in the survey area. Any nests identified shall be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found, a buffer shall be established around the nest (50 feet for common songbirds and 250 feet for raptors). The buffer shall be delineated with flagging, and no

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work shall take place within the buffer area until the young have left the nest, as determined by the qualified biologist. Once nesting has ceased and the young are no longer reliant on the nest, project activities can commence in the buffer zone.

Geology and Soils


GEO-1 Plans submitted at the time of application for grading/construction permits, shall incorporate the findings and recommendations of the following geotechnical investigations prepared for the project site:

- GeoSolutions, Inc., May 10, 2021, Soils Engineering Report for Valley Quail Place
- GeoSolutions, Inc. May 10, 2021, Shallow Percolation Testing Report

Hazards and Hazardous Materials

HAZ-1 Equipment Maintenance and Refueling – During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 Spill Response Protocol - During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

	Chase Barrett	4/3/26
Signature of Applicant	Name (Print)	Date